

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

LEAGUE OF CONSERVATION VOTERS <i>et al.</i> ,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	No. 3:17-cv-00101-SLG
)	
DONALD J. TRUMP <i>et al.</i> ,)	
)	
<i>Defendants,</i>)	
)	
AMERICAN PETROLEUM INSTITUTE and STATE)	
OF ALASKA,)	
)	
<i>Intervenor-Defendants.</i>)	
)	

DECLARATION OF ADAM KOLTON

I, Adam Kolton, hereby declare as follows:

1. I am the Executive Director of the Alaska Wilderness League (the League). I am familiar with the League's mission, purpose, and activities.

2. The League is a non-profit organization with approximately 100,000 members and activists located in Alaska and throughout the United States. The League was founded in 1993 to advocate for protection of public lands and waters in and offshore of Alaska for their own sake, for the sake of the fish and wildlife that rely on those lands and waters, and for the benefit of current and future generations.

3. The League has Alaska offices in Anchorage, with two full-time employees, and headquarters its Arctic Environmental Justice Program in Anchorage. Through advocacy and education, the League's Arctic Environmental Justice Program works closely with communities in the Arctic affected by development. The League is committed to honoring the human rights and traditional values of the people of the Arctic, and the shared interest in protecting critical areas for future generations.

4. The League supports legislative and administrative initiatives to protect public lands and waters in and offshore of Alaska, promotes national and local education and recognition of environment in and offshore of Alaska, and provides leadership within the environmental community on issues that concern public lands and waters in and offshore of Alaska. Since its inception, the League has taken an active role on issues related to oil and gas exploration and development in and offshore of Alaska.

5. The League has worked to protect ocean ecosystems in America's Arctic Ocean since the organization was created. The League's long-term goal is to achieve permanent protection for the ecologically sensitive and vulnerable marine ecosystems of the Arctic Ocean

from activities that could cause harm to the Ocean's living marine resources, including subsistence resources. The League worked with our partners and Alaska Native leaders to encourage the Obama administration to issue withdrawals to protect the Chukchi and Beaufort seas as a step towards our long-term goal. The Trump administration's action attempting to undo these protections would undermine our efforts. Two of the most imminent threats are global warming and offshore oil and gas exploration and development activities. To address these threats the League works with a broad coalition of national and Alaska-based conservation and environmental organizations, as well as with Alaska Natives, Alaska Native organizations and their tribal governments on the North Slope which are concerned about the preservation of their subsistence way of life, social welfare, and public health. The League works to inform the public and decision makers of the risks posed by planned oil and gas development. This work is accomplished through public education, education and engagement of our members and activists, and partnering with Alaska Natives in support of legislative and legal remedies to halt harmful oil and gas related activities.

6. The League advocates for protection of the world-class wildlife and habitat resources within the National Petroleum Reserve, Alaska (NPRA), which are also threatened by oil and gas activities. For the NPRA, the League advocates for long-term protection of sensitive areas, subsistence resources and wildlife especially the protections the Obama administration solidified in 2013. The League's efforts in this regard include public outreach, earned media, research, publications, partnering with other conservation and Alaska native organizations, participating in the public processes surrounding the Bureau of Land Management's (BLM) oil and gas programs in the NPRA, and, when necessary, challenging BLM's decisions in court.

7. The League also works to protect the Arctic National Wildlife Refuge, through the creation and implementation of a campaign with elements including public outreach, earned media, research, publications, and advocacy in all three branches of government. The League has led many efforts to collect comments from concerned citizen all around the country in support of a wilderness recommendation for the Coastal Plain as part of the U.S. Fish and Wildlife Service's (FWS) Comprehensive Conservation Planning Process. The League also works with allies in Congress, Alaska, and around the country to pursue legislation that would permanently protect the Arctic Refuge Coastal Plain including overturning the requirements for two oil and gas lease sales in the Tax Cuts and Jobs Act (H.R.1).

8. The League is concerned about the effects of activities related to oil and gas leasing, exploration, and development on the living resources, including subsistence resources, of the Arctic Ocean. Rapid changes are taking place in the Arctic including the loss of sea ice due to climate change. These changes are directly affecting the habitat that wildlife like walrus, whales, polar bears, seals, and other important subsistence resources rely on. Increased stress on the Arctic from oil and gas activities could have lasting detrimental impacts on the ecosystem, the wildlife, including walrus, whales, polar bears, seals, and other subsistence resources of the Arctic Ocean.

9. The League has actively participated in public processes related to governmental decisions authorizing oil and gas activities in the Chukchi and Beaufort seas. Most recently, the League joined comments to the Bureau of Ocean Energy Management (BOEM) concerning the draft Proposed Program and scoping for an environmental impact statement for the 2019-2024 OCS Oil and Gas Leasing Program, which proposes to hold lease sales in areas of the Beaufort and Chukchi seas that President Obama had withdrawn from oil and gas activities. Specifically,

Alaska Wilderness League and our members asked the Department of Interior not to offer the proposed 6 new lease sales in the Arctic Ocean. Arctic Ocean drilling is too risky with no credible means for cleaning up an oil spill in the Arctic's harsh and remote conditions. America's Arctic is ground zero for the devastating impacts of climate change – warming at twice the rate of the rest of the world – and offshore drilling will only exacerbate the problem.

10. The League has also participated in various public processes related to oil and gas exploration activities conducted by Shell Oil and others in the Arctic Ocean. From 2007 to 2015, the League submitted multiple comments to BOEM, and its predecessor agencies, regarding Shell's proposed exploration plans for the Chukchi and Beaufort Seas. In 2010 and 2011, the League sent comments to the Bureau of Safety and Environmental Enforcement (BSEE) regarding Shell's oil spill contingency plans for both the Chukchi and Beaufort seas. The League's members and our partner's members sent in over a million comments expressing safety concerns with the spill plans. The League has also commented on the Environmental Protection Agency (EPA)'s air permits for Shell's drillships; the National Marine Fisheries Service (NMFS)'s proposed incidental harassment authorizations to Shell for exploration drilling; and EPA's authorizations to discharge wastewater under the National Pollutant Discharge Elimination System general permit for Shell. In addition, we met with the Department of Interior (DOI) several times in 2012, 2013 and 2014 to express concerns and to urge DOI not to give any further approvals for Shell's drilling plans or future leasing in the region.

11. The League also actively participated in the public processes relating to the Chukchi Sea Lease Sale 193. The League has submitted comments on the 2006 draft EIS, 2007 final EIS, 2010 draft supplemental EIS, 2011 revised draft supplement EIS, the 2011 final supplemental EIS, and the 2014 draft second supplemental EIS for the lease sale.

12. The League has also participated in the administrative process related to the National Ocean Council's development of a strategic action plan to address changing conditions in the Arctic.

13. The League is concerned about the impact of seismic activities on the living marine resources, including subsistence resources, of the Arctic Ocean, including the Beaufort and Chukchi Seas. In 2007, the League participated in the administrative processes related to the permitting by Minerals Management Service (MMS) and NMFS of seismic surveys in the Chukchi and Beaufort Seas. On July 30, 2007, the League and other groups submitted comments on the Draft Programmatic EIS for Seismic Surveys in the Beaufort and Chukchi Seas. Also, in 2006, the League was part of a coalition of organizations that commented on MMS's Draft Programmatic Environmental Assessment on Arctic Ocean Outer Continental Shelf (OCS) Seismic Surveys - 2006. Additionally, in 2010, 2012, and 2013, the League submitted comments to NMFS regarding its proposed programmatic EIS on the effects of oil and gas activities in the Arctic Ocean. The League has commented on numerous requests from Shell, Statoil, and other industry groups for incidental harassment authorizations and geotechnical permits from NMFS and BOEM for seismic surveys in the Chukchi and Beaufort

14. The League has also commented on MMS's OCS Oil and Gas Leasing Program for 2002-2007 Draft EIS, on MMS's Draft EIS on the 2007-2012 OCS Offshore Leasing Program, on the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010-2015, on BOEM's proposed 2012-2017 OCS Leasing Program and the draft programmatic EIS supporting the program, and on BOEM's Proposed Program and draft programmatic EIS for the 2017-2022 OCS Leasing Program. The League has also submitted comments to the MMS's Call for Information and Nominations for Proposed Lease Sales in the Beaufort Sea and Chukchi Sea

(2007-2012), and to BOEM's Call for Information and Nominations for the proposed Chukchi Sea Lease Sale 237, Beaufort Sea Lease Sale 242 and proposed 2019 Beaufort Lease Sale.

15. In the Beaufort Sea, it has commented on the Draft and Final EISs for the Beaufort Sea Planning Area Oil and Gas Lease Sales 186, 195, and 202; and the environmental assessments for Beaufort Sea Lease Sales 195 and 202.

16. The League joined with other groups in 2007 to request MMS conduct a full EIS and public process before the agency approved a proposed development plan for the Liberty Project in the Beaufort Sea. In 2016, the League submitted scoping comments to BOEM after it announced it would prepare an EIS for Hilcorp's proposed development and production plan for Liberty, and in 2017, the League submitted comments on the Draft EIS for the project. Also in 2017, the League also submitted comments to the Army Corps of Engineers concerning Hilcorp's application to construct a gravel island, pipeline, and other infrastructure in the Beaufort Sea and onshore to support oil development and production from the Liberty Project.

17. The League joined comments to BOEM concerning Eni's Initial Outer Continental Shelf Lease Exploration Plan for the Beaufort Sea, Alaska asking that the exploration not be approved. The League voiced its concerns about the scope of the agency's environmental analysis in its preparation of an Environmental Assessment (EA).

18. The League has participated in litigation challenging the 2007-2012 Leasing Program and Lease Sale 193 in the Chukchi Sea. The League also litigated MMS and NMFS's decision to authorize seismic exploration in the Chukchi and Beaufort Seas; BOEM's 2007, 2009, 2011, and 2015 approvals of Shell's Exploration Plans in the Beaufort and Chukchi seas; air permits issued to Shell by the Environmental Protection Agency for its Discoverer and Kulluk

drilling rigs, and the FWS's 2013 five-year regulation authorizing the incidental take of Pacific walrus during oil and gas exploration activities in the Chukchi Sea.

19. During the 2017-2022 five-year plan process the League worked with our partners to help get the Arctic Ocean removed from the program and used the same advocacy to persuade the Obama administration to use its authority to withdraw and protect the Beaufort and Chukchi seas from future oil and gas leasing, exploration, and development activities. . Specifically, we worked to build public opposition to offshore drilling by engaging millions of voices from Alaska and around the country asking for no drilling in the Arctic.

20. The League has also participated in the federal decision-making process concerning the extension of Endangered Species Act protection to the polar bear. The League supported the listing of the polar bear, informed its members and the general public about the issues surrounding the polar bear, and encouraged their participation in the administrative process leading to the May 15, 2008 decision to list the bear. More recently the League commented on the proposed rule for the Designation of Critical Habitat for Polar Bear in the United States.

21. The League has also educated the public about environmental problems associated with the existing oil fields at Prudhoe Bay and the Trans-Alaska Pipeline, and advocated for more intensive oversight and regulation of existing oil and gas activities.

22. The League uses several means to educate its members and the public on matters relating to the Chukchi and Beaufort Seas and other parts of the Alaskan Arctic. These include frequent reporters notes on the topics of importance and ongoing conversations with key Alaska and national journalists, who cover these conservation issues. The League also works with Alaska Natives to ensure their perspectives are shared with journalists. In addition, the League

provides background information about its actions in its printed bi-monthly newsletter mailed to its members, as well as in the "Alaska Update," a monthly publication e-mailed to grassroots activists across the nation. The League also posts information on the offshore environment of Alaska to the "News and Events" and "Campaigns" sections of its web site.

23. The League exists to help promote the protection of Alaska's environment, including the Arctic Ocean. These organizational goals are hampered by the Trump administration's actions in the instant case: President Trump's attempt to revoke President Obama's withdrawals of the Arctic Ocean from oil and gas leasing, exploration, and development will directly harm our members who engage in subsistence and recreation activities in the Beaufort and Chukchi seas because it opens the area once more to harmful offshore oil activity.

24. The League has a strong organizational interest in the protection of the Chukchi and Beaufort Seas and the wildlife and people that depend upon these seas. The League's members enjoy and use the Chukchi and Beaufort Seas and surrounding areas, including the National Petroleum Reserve-Alaska and the Arctic National Wildlife Refuge, for numerous outdoor activities, all of which depend on vast open spaces, undeveloped wilderness, clean water and air, and abundant wildlife. Some of the League's members also reside near the Chukchi and Beaufort Seas and depend upon them for their subsistence way of life. The League's members rely on the League to advocate for their interests and educate them about activities occurring in the Arctic, including in the Chukchi and Beaufort Seas, that could impact wilderness, water and air, and wildlife. The League's members have specifically taken action to protect Arctic wildlife, including walrus, whales, polar bears, seals, and important subsistence resources, from

industrial activity and climate change and we work directly with communities and tribal governments that advocate for the protection of wildlife and other subsistence resources.

25. Industrial activities will negatively affect League members' use of the Chukchi and Beaufort seas and surrounding areas for subsistence, recreation, solitude, artistic endeavors, and other purposes. Oil and gas exploration and drilling activities are inconsistent with these uses critical to our members. The League is concerned that future exploration and development activities in the Arctic Ocean will lead to disruptive noise from drilling equipment, boats and ice breakers, and aircraft, and spills that could harm League members' opportunity to enjoy the vast, undeveloped open spaces, wilderness, and wildlife of the Arctic, including through the offshore displacement and possible population-level harm to several species of whales, including bowhead whales, and to other marine species. If there is a spill, the League is concerned the oil could stay under the ice and in the surrounding waters for many months, despoiling the landscape, and significantly impacting the habitat and food sources that is critically important to the already ailing polar bear population, walrus, and other wildlife at dates far into the future. Impacts from industrial activity and oil spills will harm League members' opportunity to enjoy the pristine, wilderness quality environment of the Arctic for subsistence uses and recreational opportunities, like wildlife viewing.

26. Seismic surveys and associated activities also threaten to harm wildlife, including bowhead whales, beluga whales, gray whales, walrus, polar bears, seals, marine and coastal birds, including spectacled and Steller's eiders, that our members observe, enjoy, or use for subsistence purposes. Seismic activity and associated vessel and aircraft noise threatens to harass, seriously injure and perhaps kill bowhead whales, beluga whales, seals, walrus, and other marine and coastal animals. These potential harms threaten not only Chukchi and Beaufort Sea

wildlife but also the League members' interest in observing and enjoying this wildlife. These potential harms also threaten some League members' ability to pursue vital subsistence activities.

27. The League is concerned that industrial activities associated with oil and gas drilling will significantly harm wildlife populations like the polar bear and walrus populations that are struggling to adjust to an environment rapidly changing due to climate change. Such harm could have devastating impacts on this already vulnerable populations, thus potentially causing long-term harm to the ability of the League's members to view these awe-inspiring species in their natural habitat and for subsistence needs.

28. Because the Chukchi and Beaufort Seas provide important habitat for numerous migratory species, such as gray whales and humpback whales, potential impacts from oil and gas activities to these species in these areas affect the League members' interests in observing and enjoying these species not only in the Arctic, but also elsewhere in their range, including other parts of Alaska, the contiguous United States, and Hawaii.

29. The Trump administration push to allow for future oil and gas activity after protects were already put in place through withdrawals diminishes the public land and wildlife values that are so important for the League's members. Our member's long-term interests will only be protected if current withdrawals stay in place and are expanded upon to ensure all offshore areas are protected for all the risks laid out above.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 6/1/18

By: 

Adam Kolton
Alaska Wilderness League